

LATHAM & WATKINS LLP
Daniel P. Brunton (Bar No. 218615)
Email: daniel.brunton@lw.com
12670 High Bluff Drive
San Diego, CA 92130
Tel.: (858) 523-5400
Fax: (858) 523-5450

Michael G. Romey (Bar No. 137993)
Email: michael.romey@lw.com
355 South Grand Avenue, Suite 100
Los Angeles, CA 90071-1560
Tel.: (213) 485-1234
Fax: (213) 891-8763

Janice M. Schneider (*Pro Hac Vice*)
Email: janice.schneider@lw.com
Devin M. O'Connor (*Pro Hac Vice*)
Email: devin.o'connor@lw.com
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004-1304
Tel.: (202) 637-2200
Fax: (202) 637-2201

*Attorneys for Intervenor-Defendant
Sable Offshore Corp.*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Plaintiffs,

V.

DOUG BURGUM, et al.,

Defendants,

and

SABLE OFFSHORE CORP.,

Intervenor-Defendant.

CASE NO. 2:24-cv-05459-MWC-MAA

INTERVENOR-DEFENDANT SABLE OFFSHORE CORP.'S NOTICE OF REVISED FEDERAL REGULATIONS

Judge: Hon. Michelle Williams Court
Courtroom: 6A

1 Intervenor-Defendant Sable Offshore Corp. (“Sable”) respectfully submits
2 this Notice of Revised Federal Regulations relating to its pending Opposition to
3 Plaintiffs’ Motion for Summary Judgment and Sable’s Cross-Motion for Summary
4 Judgment, Dkt. 76, and Reply in support thereof, Dkt. 80, to inform the Court of
5 the Department of the Interior’s (“DOI”) new rule, partially rescinding and making
6 revisions to its regulations implementing the National Environmental Policy Act
7 (“NEPA”). *See DOI, National Environmental Policy Act Implementing*
8 *Regulations*, 90 Fed. Reg. 29,498 (July 3, 2025), available at
9 <https://www.federalregister.gov/documents/2025/07/03/2025-12433/national-environmental-policy-act-implementing-regulations> (“Revised NEPA
10 Regulations”). The Revised NEPA Regulations became effective on July 3, 2025.
11 90 Fed. Reg. at 29,498. Based on the Revised NEPA Regulations, DOI has also
12 updated its DOI Handbook of NEPA Implementing Procedures (“DOI NEPA
13 Handbook”), which provides guidance to DOI agencies, including Defendant
14 Bureau of Safety and Environmental Enforcement (“BSEE”), on how to comply
15 with NEPA’s procedural requirements. *See DOI NEPA Handbook*, available at
16 <https://www.doi.gov/media/document/doi-nepa-handbook>. DOI announced these
17 new NEPA developments on June 30, 2025.¹
18

19 The Revised NEPA Regulations and DOI NEPA Handbook, which were
20 issued by the federal government after Sable’s Reply in Support of Cross-Motion
21 for Summary Judgment was filed on June 27, 2025, Dkt. 80, are directly relevant
22 to mootness because they “replace[] the old regulations with new ones in ways that
23 would directly impact Plaintiffs’ suit.” *See Native Vill. of Nuiqsut v. BLM*, 9 F.4th
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¹ DOI, Secretary Burgum Joins Historic Effort to Fix America’s Broken Permitting
26 System (June 30, 2025), available at <https://www.doi.gov/pressreleases/secretary-burgum-joins-historic-effort-fix-americas-broken-permitting-system>. The federal
27 government previously revoked the Council on Environmental Quality’s NEPA
28 regulations, effective April 11, 2025. 90 Fed. Reg. 10,610 (Feb. 25, 2025).

1 1201, 1210-11 (9th Cir. 2021) (holding that “new [NEPA] regulations render the
2 case moot because there is no ‘reasonable expectation that the plaintiffs will be
3 subjected to the challenged action again,’ . . . with the same ‘method of
4 calculating’ environmental impacts”) (citation omitted). In this action, for
5 instance, Plaintiffs challenge Federal Defendants’ reliance on Categorical
6 Exclusions (“CatExs”). But the Revised NEPA Regulations make fundamental
7 changes to DOI’s and BSEE’s CatEx review process. For example, the Revised
8 NEPA Regulations removed from the list of “extraordinary circumstances” that
9 preclude reliance on a CatEx situations where the actions would “[h]ave highly
10 controversial environmental effects or involve unresolved conflicts concerning
11 alternative uses of available resources.” 90 Fed. Reg. at 29,501. Plaintiffs cited
12 this “extraordinary circumstance”—formerly included at 43 C.F.R. § 46.215(c)—
13 in their Amended Complaint. *See* Dkt. 38-2, ¶ 59. The revised NEPA procedures
14 also expressly provide for the prioritized use of CatExs. *See* DOI NEPA
15 Handbook at Section 1.2 (agencies directed to determine the appropriate level of
16 NEPA review “in the following sequence and manner”, listing multiple ways to
17 first consider use of a CatEx); *see also* 43 C.F.R. § 46.205 (July 3, 2025). Because
18 the Revised NEPA Regulations and DOI NEPA Handbook change the NEPA
19 regulatory and procedural framework applicable to future BSEE approvals,
20 consistent with the Supreme Court’s direction in *Seven County Infrastructure Coal.*
21 *v. Eagle County, Colorado*, 145 S. Ct. 1497 (2025), these changes further support
22 denying Plaintiffs’ Motion for Summary Judgment and granting Sable’s Cross-
23 Motion for Summary Judgment on mootness grounds.

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1 Dated: July 8, 2025

Respectfully submitted,

2 LATHAM & WATKINS LLP

3 By: /s/ Daniel P. Brunton

4 Daniel P. Brunton (Bar No. 218615)
5 Email: daniel.brunton@lw.com
6 12670 High Bluff Drive
San Diego, CA 92130
Tel.: (858) 523-5400
Fax: (858) 523-5450

7 Michael G. Romey (Bar No. 137993)
8 Email: michael.romey@lw.com
9 355 South Grand Avenue, Suite 100
Los Angeles, CA 90071-1560
Tel.: (213) 485-1234
Fax: (213) 891-8763

10 Janice M. Schneider
(*Pro Hac Vice*)

11 Email: janice.schneider@lw.com
12 Devin M. O'Connor
(*Pro Hac Vice*)
13 Email: devin.o'connor@lw.com
14 555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004-1304
15 Tel.: (202) 637-2200
Fax: (202) 637-2201

16 *Attorneys for Intervenor-Defendant*
17 *Sable Offshore Corp.*